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09/807,248
BB1208
PRELIMINARY AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:
B. F. MCCUTCHEN ET AL.

CASE NO.: BB1208

APPLICATION NO.: 09/807,248

GROUP ART UNIT: 1634

FILED: APRIL 09, 2001

EXAMINER: J. A. GOLDBERG

FOR: SCORPION TOXINS

**PRELIMINARY AMENDMENT AND
RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This is a Preliminary Amendment and Response to Restriction Requirement which was set forth in the Office Action mailed November 25, 2002. A Petition for Extension of Time for two (2) months up to and including February 25, 2003 is filed simultaneously herewith. Please enter the following:

IN THE SPECIFICATION:

Please amend the specification as follows (a marked-up version showing changes made is attached hereto):

Paragraph at page 3, lines 19-26:

It is preferred that the isolated polynucleotides of the claimed invention consist of a nucleic acid sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 8, 11, 13, and 15 that codes for the polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, 9, 12, 14, and 16. The present invention also relates to an isolated polynucleotide comprising a nucleotide sequences of at least 40 (preferably at least 30) contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 8, 11, 13, 15, and the complement of such nucleotide sequences.

Paragraph at page 4, lines 18-28:

The present invention relates to a method of obtaining a nucleic acid fragment encoding a substantial portion of a alpha toxin XIV, a neurotoxin I, or a depressant toxin LqhIT2 polypeptide gene, preferably a scorpion alpha toxin XIV, a neurotoxin I, or a depressant toxin LqhIT2 polypeptide gene, comprising the steps of: synthesizing an oligonucleotide primer comprising a nucleotide sequence of at least one of 40 (preferably at least 30) contiguous nucleotides derived from a nucleotide sequence

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